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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:	)	Chapter 11
	)	
MSR RESORT GOLF COURSE LLC, <u>et al.</u> , <sup>1</sup>	)	Case No. 11-10372 (SHL)
	)	
Debtors.	)	(Jointly Administered)
	)	

**NOTICE OF APPEAL FROM SUPPLEMENTAL ORDER (A) APPROVING AND  
AUTHORIZING THE DEBTORS TO ENTER INTO AND PERFORM UNDER  
THE STALKING HORSE COMMITMENT LETTER, (B) APPROVING  
BIDDING PROCEDURES, (C) APPROVING BID PROTECTIONS,  
(D) SCHEDULING BID DEADLINES AND AN AUCTION, AND  
(E) APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

Five Mile Capital Partners LLC and certain of its affiliated and managed funds (“Five Mile”), hereby appeals under 28 U.S.C. § 158(a) and Fed. R. Bankr. P. 8001 and 8002, from the

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<sup>1</sup> The debtors in these chapter 11 cases, along with the last four digits of each debtor’s federal tax identification number include: MSR Resort Golf Course LLC (7388); MSR Biltmore Resort, LP (5736); MSR Claremont Resort, LP (5787); MSR Desert Resort, LP (5850); MSR Grand Wailea Resort, LP (5708); MSR Resort Ancillary Tenant, LLC (9698); MSR Resort Biltmore Real Estate, Inc. (8464); MSR Resort Desert Real Estate, Inc. (9265); MSR Resort Hotel, LP (5558); MSR Resort Intermediate Mezz GP, LLC (3864); MSR Resort Intermediate Mezz LLC (7342); MSR Resort Intermediate Mezz, LP (3865); MSR Resort Intermediate MREP, LLC (9703); MSR Resort Lodging Tenant, LLC (9699); MSR Resort REP, LLC (9708); MSR Resort Senior Mezz GP, LLC (9969); MSR Resort Senior Mezz LLC (7348); MSR Resort Senior Mezz, LP (9971); MSR Resort Senior MREP, LLC (9707); MSR Resort Silver Properties, LP (5674); MSR Resort SPE GP II LLC (5611); MSR Resort SPE GP LLC (7349); MSR Resort Sub Intermediate Mezz GP, LLC (1186); MSR Resort Sub Intermediate Mezz LLC (7341); MSR Resort Sub Intermediate Mezz, LP (1187); MSR Resort Sub Intermediate MREP, LLC (9701); MSR Resort Sub Senior Mezz GP, LLC (9966); MSR Resort Sub Senior Mezz LLC (7347); MSR Resort Sub Senior Mezz, LP (9968); and MSR Resort Sub Senior MREP, LLC (9705) (collectively, the “Debtors”).

*Supplemental Order (A) Approving and Authorizing the Debtors to Enter Into and Perform Under the Stalking Horse Commitment Letter, (B) Approving Bidding Procedures, (C) Approving Bid Protections, (D) Scheduling Bid Deadlines and an Auction, and (E) Approving the Form and Manner of Notice Thereof (the “Order”) [Docket No. 1740], entered in this case on November 7, 2012. The parties to the Order appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:*

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